

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

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THOMAS H. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TN, JACKSON

JACK LESTER ROBERTS

PLAINTIFF

VS.

DOCKET NO.: 1-04-1171

MARK ANDERSON, DENNIS
TAYLOR, HARRY COOPER,
MCKENZIE POLICE DEPARTMENT,
CITY OF MCKENZIE

AND

DAVID MORGAN, KATHY YOUNG,
JOHN DOE, (UNNAMED DEPUTIES),
BENDELL BARTHOLOMEW, CARROLL
COUNTY SHERIFF DEPARTMENT AND
COUNTY OF CARROLL

DEFENDANTS

THOMAS H. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TN, JACKSON

FILED BY S
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D.C.

PRE-TRIAL ORDER

Comes now the Plaintiff, Jack Lester Roberts, and the Defendants, David Morgan, Katherine Young, Unnamed deputies, Bendell Bartholomew, and Carroll County, by and through their respective attorneys, and submit the following pre-trial Order. This case is currently set for October 5, 2005, at 9:30 a.m., and is scheduled for three (3) days. Actual trial time at this point should not exceed one (1) day. The Parties would state and show unto the Court the following:

1. Jurisdiction

There are no jurisdictional questions and this case is properly before the Court.

2. Pending Motions

(a) There is currently pending a Motion for Summary Judgment on behalf of the above Defendants, which, if granted, will be dispositive of the entire case.

(b) An objection has been filed in regard to the Plaintiff's use of "Doctor's notes" as an exhibit. Should such objection be granted, then the notes will not be allowed to be used.

3. Contentions of the Parties

A. Contentions of the Plaintiff:

It is the contention of the Plaintiff that he was brutally attacked, beaten and maced, and sustained injury at the hands of two Jailers, and was denied any type of protection by Jailer Kathy Morgan. Also that the Sheriff and Chief Deputy failed to properly train, instruct and supervise the jailers, and encouraged jailers to inflict pain and suffering upon prisoners while incarcerated in the Carroll County Jail, including a history of beating and causing the death of inmates. Plaintiff contends that he has suffered extreme pain and physical injuries and continues to suffer emotional trauma and permanent injury. That the Plaintiff suffered damages as a result of his confinement in Carroll County.

B. Contentions of the Defendants

It is the contention of the Defendants that any injury sustained by the Plaintiff pre-existed his booking and confinement at the Carroll County jail, which injuries were not caused, aggravated, or exacerbated by these Defendants. Jailers Young and Morgan took no action toward Plaintiff to cause him any harm and in fact, only took actions that contributed to his safety and well being. Their actions were investigated and found by the Sheriff and Chief Deputy to, at all times, be proper. Had there been any impropriety, the jailers would have been discharged. Plaintiff suffered no damage as a result of his confinement in Carroll County.

4. Stipulated Facts

A. Plaintiff was booked into the Carroll County jail after having an altercation with officers of the McKenzie Police Department, and was treated at the hospital.

B. Plaintiff arrived at the jail heavily medicated and with orders from the emergency room doctor that he be watched for his safety.

5. Contested issues of Facts

A. Did Kathy Young allow David Morgan to allegedly abuse Plaintiff?

B. Did the County and the Sheriff fail to properly supervise the jailers so as to allow abuse to take place?

C. Did Plaintiff sustain any damage as a result of alleged abuse by said jailers, the Sheriff, or by the County of Carroll?

6. Contested issues of Law

All issues of law were raised in the Motion for Summary Judgement and will be controlled by a ruling thereon.

7. Exhibits

A. Plaintiff

1. Doctors' notes from the emergency room (Objection to proposed Exhibit on file)

2. Photographs of Plaintiff

B. Defendant

1. Doctors notes from emergency room

2. Shift notes from Carroll County jail

3. Booking file on Jack Roberts

4. Booking photograph

5. Photographs of visitation room where Jack Roberts was held

8. Witnesses

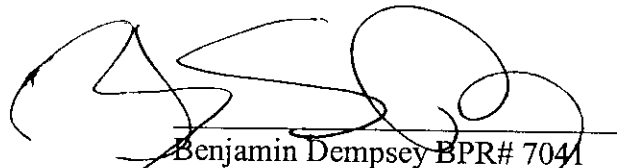
A. Plaintiff

1. Jack Lester Roberts
2. Any witness of the Defendants.

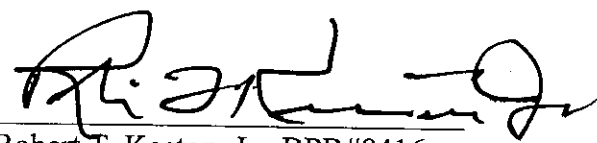
B. Defendant

1. David Morgan
2. Katherine Young
3. Bendell Bartholomew, Sheriff
4. Sue Barnes, Chief Jailer
5. Terry Dickey, Chief Deputy
6. Kenny McBride, County Mayor
7. Any witnesses called by the Plaintiff

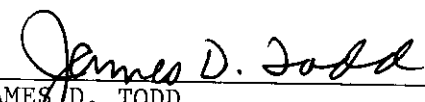
Respectfully Submitted:



Benjamin Dempsey BPR# 7041
Attorney for the Plaintiff



Robert T. Keeton, Jr. BPR#8416
Attorney for the Defendants



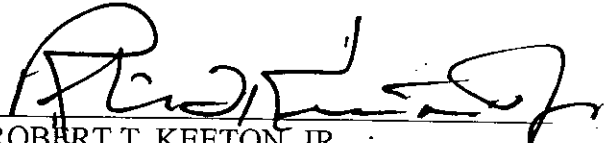
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

26 September 2005
DATE

CERTIFICATION

I, Robert T. Keeton, Jr., Attorney At Law, do hereby certify that I have mailed a true and exact copy of the foregoing document upon opposing counsel, by depositing same in the United States Mail, postage fully prepaid, at Huntingdon, Tennessee, this the 21 day of September, 2005, addressed as follows:

Benjamin S. Dempsey
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Huntingdon, Tennessee 38344


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Notice of Distribution

This notice confirms a copy of the document docketed as number 54 in case 1:04-CV-01171 was distributed by fax, mail, or direct printing on September 28, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT